

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Wilson

A Bill

SENATE BILL 153

For An Act To Be Entitled

"AN ACT TO CREATE THE ARKANSAS HEALTH POLICY COUNCIL; AND
FOR OTHER PURPOSES."

Subtitle

"TO CREATE THE ARKANSAS HEALTH POLICY
COUNCIL."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. It is the purpose of this act:

(a) To assure that quality health care is available to all residents of Arkansas through a system that is both accessible and affordable.

(b) To define the state's legitimate interests in health care policy and planning.

(c) To coordinate the state's response to those interests to eliminate duplication among state agencies and assure collaboration among the multiple interests involved in the health care system.

SECTION 2. (a) *There is hereby created the Arkansas Health Policy Council composed of nine (9) voting members, and the number of ex officio, non-voting members as provided in subsection (b). The nine (9) voting members are as follows:*

(1) *The director of the Arkansas Department of Health, or his designee;*

(2) *The director of the Arkansas Department of Human Services, or his designee;*

(3) *The Governor shall appoint one person who is a member of the House;*

1 (4) *The Governor shall appoint one person who is a member of*
2 *the Senate;*

3 (5) *Three other members to be appointed by the Governor, one of*
4 *whom shall be a health care provider and one of whom shall be a health care*
5 *consumer;*

6 (6) *The Speaker of the House shall appoint one person who is a*
7 *member of the House; and*

8 (7) *The Chairman of the Committee on Committees of the Senate*
9 *shall appoint one person who is a member of the Senate.*

10 (b) *Ex officio non-voting members of the council shall include the*
11 *Arkansas Insurance Commissioner, and the chairman, or his designee, of*
12 *committees of the council listed in Section 4.*

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14 SECTION 3. The Governor shall designate the chairman and vice chairman
15 of the council and if they are Governor_s appointees, they shall serve four-
16 year terms. The remaining members initially appointed by the Governor shall
17 serve staggered terms determined by lot so that no more than two members_
18 terms will expire during any year. Thereafter, all Governor_s appointees
19 shall be appointed for four year terms. Members may succeed themselves.
20 *House and Senate members who are appointed by the Speaker and the Chairman of*
21 *the Committee on Committees shall serve four year terms. When any member of*
22 *the council who is a member of the House or the Senate ceases to be a member*
23 *of the House or Senate that person shall cease to be a member of the council*
24 *and the vacancy shall be filled for the unexpired portion of the term in the*
25 *same manner as the original appointment was made.*

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27 SECTION 4. (a) There are hereby created the following committees of
28 the council:

29 (1) Health Care Professionals Committee. This committee shall
30 include one member of each licensed health care profession in the State of
31 Arkansas. The council may extend membership to include additional health
32 care professionals who are not subject to licensing by the state.

33 (2) Health Care Institutions or Agencies Committee. This
34 committee shall include a representative from each type of licensed business
35 providing health care in the State of Arkansas to include hospitals, nursing

1 homes, home health agencies, community health centers, rural health centers,
2 community mental health centers, school health programs, managed care
3 organizations that have salaried direct care providers, and others as
4 designated by the council.

5 (3) Health Care Consumer Committee. This committee shall
6 represent the interests of the health care consumer. It shall consist of at
7 least one consumer representative of each of the following interests: large
8 company employee, small company employee, state employee, school employee,
9 employee of any publicly self-funded insurance program, public insurance or
10 Medicaid recipient, member of a certified HMO, recipient with indemnity or
11 "out of plan" service, beneficiary with a capitated product, uninsured
12 Arkansans, county government official, city government official, VA eligible
13 beneficiary, health services employee not engaged in management activities,
14 children and youth, senior citizens, family member of a nursing home
15 resident, disability representation, a mental health recipient (patient or
16 family member) and others as deemed necessary by the council.

17 (4) Health Care Insurer Committee. This committee shall
18 include a representative from each licensed health insurer in the state, if
19 the primary purpose of the organization is to assume risk for the payment of
20 health care services, to include public insurance programs, and self-insured
21 plans. Organizations which are not subject to state jurisdiction for
22 insurance regulation due to federal exemption may not participate. Health
23 care institutions which also do business as health insurers may be
24 represented on this committee for insurance issues and the institution
25 committee for health delivery issues.

26 (5) Health Care Employer Committee. This committee shall
27 include a representative from each of the following employer, or health care
28 purchaser groups: Very Large employer (500 or more employees), Large
29 employer (100 to 499 employees), Medium-sized employer (20-99 employees),
30 Small employer (Less than 20 employees), state government employees
31 insurance, school district and teacher employees insurance, city government
32 employees insurance, county government employees insurance, and any other
33 employer representatives as designated by the council.

34 (b) The council may create such other committees as it deems
35 necessary. The council may delegate any of its powers to committees created

1 by this act or by the council. The number of members of each committee
2 created by this act and each committee created by the council shall be
3 established by the council and the members of those committees shall be
4 appointed by the council. The council shall designate the chairman and vice
5 chairman of each committee.

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7 SECTION 5. The council shall designate the chairman and vice chairman
8 of the committees created under Section 4. The chairman and vice chairman
9 shall serve two year terms, and the other initial appointments by the council
10 shall serve one year terms and two year terms determined by lot so that
11 approximately one-half of the membership will serve one year terms, and one-
12 half of the membership will serve two terms, and thereafter, all members
13 shall be appointed for two year terms.

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15 SECTION 6. *The council may, by vote of the total membership of the*
16 *council at the first regularly scheduled meeting of each calendar year,*
17 *authorize expense reimbursement for the council members, other than*
18 *legislators, for performing official council duties and such expense*
19 *reimbursement shall not exceed the rate established for state employees by*
20 *state travel regulations. Legislator members shall receive per diem, mileage*
21 *and expense reimbursement at the same rate as that prescribed for legislators*
22 *for attending meetings of joint interim committees of the General Assembly.*

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24 SECTION 7. The chairman of the council shall, subject to the approval
25 of the council, employ the staff of the agency as authorized in the
26 appropriation for the agency. Consultants, volunteers, and graduate students
27 may also be used to augment the council_s staff needs. Committees should be
28 supported by a combination of council staff, member assistance, and volunteer
29 assistance. Grant funding that may be obtained for the work of the
30 committees may be used to employ staff, purchase supplies or equipment, and
31 for other items in support of committee operations.

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33 SECTION 8. The council: (1) shall have the authority to study broad-
34 based health care issues at the state or community level, and to serve as a
35 clearinghouse to review all new, major health care programs and plans by an

1 agency or institution that will impact other agencies or the health care of a
2 major portion of the state's population; (2) shall be responsible for
3 facilitating and encouraging cooperative and collaborative relationships
4 between state agencies and the private sector concerning health care, with
5 the purpose of ensuring that duplication is eliminated, and unintended
6 statewide consequences are avoided; (3) shall make recommendations to the
7 Governor on the designation of lead agencies and grant funding that comes to
8 the state undesignated; (4) may serve as a body to oversee the development of
9 any health care activity, such as new forms of health financing and delivery
10 that may result from federal or state health reform, that does not fall
11 solely into the existing responsibility of an existing agency; and (5) may
12 recommend the lead agent and processes of these functions to the Governor for
13 such activities.

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15 SECTION 9. The Arkansas Health Resources Commission created by
16 Arkansas Code 20-77-202 is hereby abolished and all of its powers, duties,
17 functions, records, employees, property, unexpended balances of
18 appropriations, allocations, or other funds are transferred to the Arkansas
19 Health Policy Council created by this act.

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21 SECTION 10. All provisions of this act of a general and permanent
22 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
23 Code Revision Commission shall incorporate the same in the Code.

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25 SECTION 11. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 12. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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34 SECTION 13. EMERGENCY. It is hereby found and determined by the
35 General Assembly that the delivery of health care services to the citizens of

1 this State is not now adequately coordinated; that this act is designed to
2 help ameliorate the inefficiencies in the health care delivery system; and
3 that this act should go into effect immediately in order to more efficiently
4 provide health care to the citizens of this State. Therefore, an emergency
5 is hereby declared to exist and this act being necessary for the preservation
6 of the public peace, health and safety shall be in full force and effect from
7 and after its passage and approval.

8 */s/Wilson*

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